

### REMARKS

At the outset, the Applicant thanks the Examiner for the thorough review and consideration of the pending application. The Office Action dated September 26, 2007 has been received and its contents carefully reviewed.

Claims 1, 2, 6, 11, 12, and 16 have been amended. No new matter was added. Amendments to independent claims 1 and 11 were made to clarify the claim language for the Office. The scope of these claims remains unchanged. Claims 2, 6, 12, and 16 were amended to maintain proper antecedent basis with claims 1 and 11. The scope of these claims remains unchanged. Claims 8 and 18 are hereby cancelled without prejudice to or disclaimer of the subject matter contained therein. Accordingly, claims 1-7, 9-17, and 19-20 are pending. Reexamination and reconsideration of the pending claims are respectfully requested.

The Office asserts that "Applicant's arguments do not comply with 37 CFR § 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made" and "they do not show how the amendments avoid such references or objections." Applicant respectfully traverses this assertion.

Applicant respectfully states that the arguments made in the response filed on August 1, 2007 were clear on their face. The referred to the amendments of the claims. The arguments and the amendments to which they referred spoke for themselves. In other words, the amendments, by their very nature, clearly pointed out the patentable novelty of the independent claims in view of the references cited. Nevertheless, the Office appears not to have clearly understood the amendments. Consequently, additional amendments to independent claims 1 and 11 are made herein in a sincere attempt to clarify the claim language for the Office and thereby advance this application to allowance. Claims 2, 6, 12, and 16 were amended herein to maintain proper antecedent basis with claims 1 and 11, from which they variously depend.

**The Office rejected claims 1-2, 5-8, 10-12, 15-18, and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,419,164 to Durazzani (hereinafter "Durazzani").** Claims 8 and 18 are cancelled herein, accordingly the rejection of those claims is moot. Applicant respectfully traverses the rejection of the remaining claims and respectfully requests reconsideration.

*Durazzani* fails to disclose, either expressly or inherently, “a drum-type washing machine having an outer tub assembly *without having a counterbalance*, ... comprising a front outer tub formed of a first injection molded compound having a first specific gravity ... and a rear outer tub formed of a second injection molded compound having a second specific gravity, different from the first,” as recited in independent claim 1. Additionally, *Durazzani* fails to disclose, either expressly or inherently, “a drum-type washing machine having an outer tub assembly *without having a counterbalance*, ... comprising a front outer tub having a first thickness and formed of a first injection molded compound having a first specific gravity ... and a rear outer tub having a second thickness and formed of a second injection molded compound having a second specific gravity, different from the first,” as recited in independent claim 11.

*Durazzani* discloses a “washing tub 1 made of plastic material which is adapted to be installed ... in a clothes washing machine. *Durazzani* at col. 3, lines 5-7. “The tub 1 is ballasted on both its front and rear sides by ballasts or counterweights 6, 7, respectively, which are correspondingly contained in plastic shells 8, 9.” *Id.* at col. 3, lines 13-16. Figure 1 of *Durazzani* is reproduced below for the convenience of the Office.

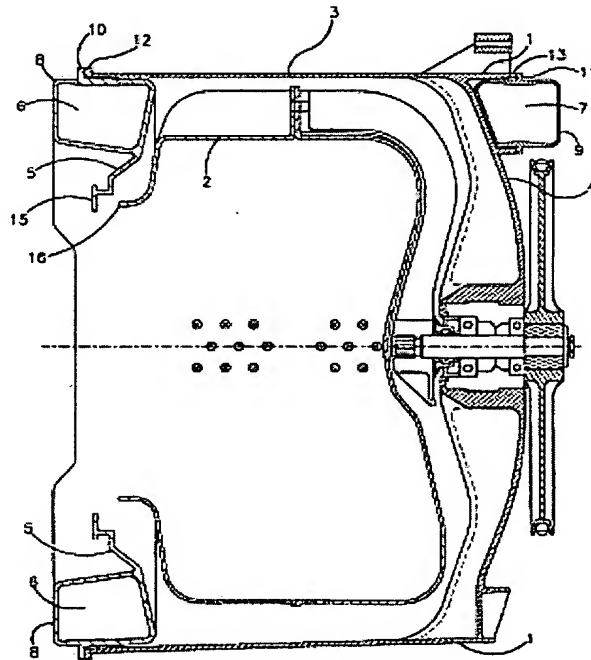


FIG. 1 of *Durazzani*

Applicant previously explained to the Office that the material comprising the counterweights 6, 7 is distinct from the material of the plastic shells 8, 9. *See Response* filed

October 26, 2006 at p. 7. Thus, plastic shells 8, 9 contain the counterweights 6, 7 -- they are not combined with the counterweights. *See id.* Applicant previously explained to the Office that the counterweights 6, 7 are enclosed within plastic shells 8, 9, respectively. *See Response* filed March 21, 2007 at p. 7 and *RCE* filed April 17, 2007. Applicant again underscored the fact that the structure comprising the counterweights 6, 7 is distinct from the structure of the plastic shells 8, 9 by noting that these separate and distinct structures are capable of being mechanically separated from each other. *See id.* Thus, plastic shells 8, 9 contain the counterweights 6, 7 -- they are not blended with the counterweights. *See id.* Applicant amended its independent claims to clarify at least one of the distinguishable features of the claimed invention in view of *Durazzani*. Specifically, *Durazzani*'s counterweights 6, 7, which are distinct from and enclosed within plastic shells 8, 9, cannot conceivably be read to disclose a front outer tub that "comprises a combination of a first material and a second material, different from the first material, wherein the combination of the first and second material is injection molded to form the front outer tub." *Response* filed August 1, 2007 at p. 6 (as recited in then pending claims 1 and 11) (emphasis added). These distinguishable features, between *Durazzani* and the invention as recited in independent claims 1 and 11, have thus far eluded the Office.

The Office repeatedly argues that "given the broadest reasonable interpretation, the disclosure of *Durazzani* clearly teaches the combination of a first material (i.e., counterweights) and second material (i.e., plastic shell) thereby forming a front outer tub ...." *Office Action* mailed September 26, 2007 at ¶ 3; *Office Action* mailed May 2, 2007 at ¶ 4; *Office Action* mailed December 21, 2006 at ¶ 3. For at least all the reasons explained above, Applicant disagrees and requests the Office to reconsider its overly broad interpretation in light of the claims as they are presently recited and also in light of Applicant's previous efforts to clarify the claims.

As correctly noted by the Office, anticipation under 35 U.S.C. § 102 is established only when a single prior art reference discloses, either expressly or through the principles of inherency, each and every element of a claimed invention. Even given the broadest *reasonable* interpretation, *Durazzani* simply fails to disclose, either expressly or inherently, "a front outer tub formed of a first injection molded compound having a first specific gravity ... and a rear outer tub formed of a second injection molded compound having a second specific gravity, different from the first," as recited in independent claim 1. Additionally, *Durazzani* fails to disclose, either expressly or inherently, "a front outer tub having a first thickness and formed of a

first injection molded compound having a first specific gravity ... and a rear outer tub having a second thickness and formed of a second injection molded compound having a second specific gravity, different from the first,” as recited in independent claim 11.

Additionally, Applicant has clarified claims 1 and 11 to recite that the claimed invention is directed toward washing machines having outer tub assemblies that do not have a counterbalance. In contrast, *Durazzani* relates to washing machines which include outer tub assemblies that do have a counterbalance.

For at least the above stated reasons, Applicant respectfully requests that the Office withdraw the 35 U.S.C. § 102(b) rejection of independent claims 1 and 11. Claims 2, 5-7 and 10 depend from independent claim 1 and claims 12, 15-17, and 20 depend from independent claim 11. It stands to reason that the 35 U.S.C. § 102(b) rejection of those dependent claims should be withdrawn as well.

Accordingly, for at least all the reasons stated above, Applicant respectfully requests the Office to withdraw the 35 U.S.C. § 102(a) rejection of claims 1-2, 5-8, 10-12, 15-18, and 20.

**The Office alternatively rejected claims 1-2, 5-8, 10-12, 15-18, and 20 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,419,164 to *Durazzani*.** Claims 8 and 18 are cancelled herein, accordingly the rejection of those claims is moot. Applicant respectfully traverses the rejection of the remaining claims and respectfully requests reconsideration.

The Office admits that the invention of *Durazzani* could be construed as “being somewhat limiting to separately combined calcium carbonate weights in plastic shells [on the tub 1].” *Office Action* mailed September 26 at ¶ 7. However, the Office argues that *Durazzani* teaches “that it is well known to add calcium carbonate as filler to plastics for its desired properties (i.e. increased density/weight)” and asserts that “it would have been obvious ... to substitute one known tub making method for the other to achieve predictable results of adding calcium carbonate as filler to plastics to increase the weight of the plastic tub.” *Id.*

Even if one of ordinary skill in the art were to make the combination suggested by the Office, such a combination would still fail to teach or suggest all the limitations of independent claims 1 and 11. The addition of calcium carbonate as a filler to the outer tub 1 of *Durazzani* would simply result in a “washing tub 1 made of plastic material [with filler] which is adapted to

be installed ... in a clothes washing machine. *Durazzani* at col. 3, lines 5-7 (incorporating the modification suggested by the Office). “The tub 1 is ballasted on both its front and rear sides by ballasts or counterweights 6, 7, respectively, which are correspondingly contained in plastic shells 8, 9.” *Id.* at col. 3, lines 13-16. The modified teaching of *Durazzini* fails to overcome the deficiencies of the original teachings of *Durazzini*. The deficiencies of the original teachings of *Durazzini* are, of course, argued above in relation to the rejection under 35 U.S.C. § 102 (and are recited herein by reference).

For at least the above stated reasons, Applicant respectfully requests that the Office withdraw the 35 U.S.C. § 103(a) rejection of independent claims 1 and 11. Claims 2, 5-7 and 10 depend from independent claim 1 and claims 12, 15-17 and 20 depend from independent claim 11. It stands to reason that the 35 U.S.C. § 103(a) rejection of those dependent claims should be withdrawn as well.

Accordingly, for at least all the reasons stated above, Applicant respectfully requests the Office to withdraw the 35 U.S.C. § 103(a) rejection of claims 1-2, 5-8, 10-12, 15-18, and 20.

**The Office rejected claims 3, 4, 13, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Durazzani* in view of U.S. Patent No. 5,196,506 to *Tamai et al.* (hereinafter “*Tamai*”) or U.S. Patent No. 5,171,769 to *Bull et al.* (hereinafter “*Bull*”) or U.S. Patent No. 4,136,079 to *Katayama et al.* (hereinafter “*Katayama*”).** Applicant respectfully traverses this rejection and requests reconsideration.

As previously discussed, *Durazzani* fails to disclose, and furthermore fails to teach or suggest, at least “a drum-type washing machine having an outer tub assembly without having a counterbalance, ... comprising a front outer tub formed of a first injection molded compound having a first specific gravity ... and a rear outer tub formed of a second injection molded compound having a second specific gravity, different from the first,” as recited in independent claim 1. Additionally, *Durazzani* fails to disclose, either expressly or inherently, “a drum-type washing machine having an outer tub assembly without having a counterbalance, ... comprising a front outer tub having a first thickness and formed of a first injection molded compound having a first specific gravity ... and a rear outer tub having a second thickness and formed of a second injection molded compound having a second specific gravity, different from the first,” as recited

in independent claim 11. Claims 3 and 4 indirectly depend from claim 1. Claims 13 and 14 indirectly depend from claim 11.

*Tamai, Bull, and Katayama*, either separately or in combination, fail to cure the deficiencies of *Durazzani*. In fact, each of *Tamai, Bull, and Katayama* were relied upon to teach “that it is known to provide a molding plastic/polymer with various fillers including calcium carbonate, aluminum powder and iron powder to achieve desired properties.” *Office Action* mailed September 26 at ¶ 9. Therefore, even if *Durazzani* was modified as suggested, the modified reference would still fail to teach or suggest all of the features recited in independent claims 1 and 11. Because none of the cited references, either individually or in combination, teaches or suggests each and every element of independent claims 1 and 11, they also fail to teach or suggest each and every element of claims 3-4 and 13-14, which indirectly depend from claims 1 and 11, respectively. Accordingly, Applicant respectfully requests the Office to withdraw the 35 U.S.C. § 103(a) rejection of claims 3-4 and 13-14.

**The Office rejected claims 9 and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Durazzani*.** This rejection is presumably made over *Durazzani* in view of one of ordinary skill in the art. Applicant respectfully traverses this rejection and requests reconsideration.

As previously argued, *Durazzani* fails to disclose each and every features recited in claims 1 and 11, the base claims from which claims 9 and 19 depend. The Office admits that “*Durazzani* does not expressly disclose a middle outer tub with open front and rear.” *Office Action* mailed September 26 at ¶ 10. The Office then asserts that “It would have been obvious to one having ordinary skill in the art at the time the invention was made to separate the rear outer tub of *Durazzini* into two parts to form a middle outer tub and a rear outer tub as claimed by applicant ....” *Id.* Applicant disagrees. Nevertheless, it is clear from the Office’s assertion that the knowledge of “one having ordinary skill in the art at the time the invention was made” is not being asserted to cure the deficiencies of *Durazzani* with respect to the limitations of independent claims 1 and 11.

Because *Durazzani* in view of “one having ordinary skill in the art at the time the invention was made” fails to teach or suggest each and every element of independent claims 1 and 11, the combination also fails to teach or suggest each and every element of claims 9 and 19, which depend from independent claims 1 and 11, respectively. Accordingly, Applicant

respectfully requests the Office to withdraw the 35 U.S.C. § 103(a) rejection of claims 9 and 19 over *Durazzani* in view of “one having ordinary skill in the art at the time the invention was made.”

### CONCLUSION

This application in condition for allowance. Early and favorable action is respectfully solicited.

Further consideration and/or search in light of the claim amendments is not warranted. Amendments to independent claims 1 and 11 were made to clarify the claim language for the Office. The scope of these claims remains unchanged. Claims 2, 6, 12, and 16 were amended to maintain proper antecedent basis with claims 1 and 11. The scope of these claims remains unchanged. These amendment do not raise new issues.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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